

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A method for performing a netting analysis of a netting agreement, the method comprising:

receiving netting agreement information for said netting agreement, said netting agreement information identifying a party, a counterparty, and facts governing said netting agreement, the facts of said netting agreement including: a form of agreement, a governing law, a country of organization, a state or province of organization, a legal structure, a parent company country of organization, and a parent company legal structure;

receiving at least one issue associated with said agreement, the at least one issue based on an existence or non-existence of particular facts in the facts governing said netting agreement;

comparing, using a processor, said facts governing said netting agreement information with a netting rule that applies to the netting agreement for said at least one issue; and

generating a netting determination indicative of an ability of the party and counterparty to net under said netting agreement based, at least in part, on a result of said comparing, the netting determination having an indication of a level of confidence associated with the netting determination that indicates an enforceability of the netting determination in addition to a qualification of the netting determination.

2 – 3. (Cancel)

4. (Original) The method of claim 1, further comprising:

forwarding said netting determination to an agreement database.

5. (Original) The method of claim 1, further comprising:

forwarding said netting determination to a credit database; and

updating a net credit amount associated with said counterparty and said party in said credit database.

6. (Original) The method of claim 1, further comprising:

forwarding said netting determination to a FASB database; and

updating a netting amount associated with said counterparty and said party in said FASB database.

7 – 9. (Cancel)

10. (Currently Amended) A method for performing a netting analysis of a netting agreement, the method comprising:

identifying fact data associated with said netting agreement, said fact data including data identifying a contracting entity and data identifying a counterparty;

identifying a default set of issues associated said fact data associated with said netting agreement, said default set of issues based on an existence or non-existence of particular facts governing said netting agreement;

identifying facts in said fact data associated with said netting agreement and associated with a first issue from said default set of issues, said facts including: a form of agreement, a governing law, a country of organization, a state or province of

organization, a legal structure, a parent company country of organization, and a parent company legal structure;

applying, using a processor, a netting rule to said fact data for said first issue, said netting rule selected based at least in part on said first issue; and

generating a netting determination based at least in part on said application of said netting rule and indicative of an ability of the party and counterparty to net under said netting agreement, the netting determination having an indication of a level of confidence associated with the netting determination that indicates an enforceability of the netting determination in addition to a qualification of the netting determination.

11. (Previously Presented) The method of claim 10, further comprising:

identifying fact data associated with a second issue;

applying a second netting rule to said fact data for said second issue, said second netting rule selected based at least in part on said second issue; and

generating a netting determination based at least in part on said application of said netting rule and said second netting rule.

12. (Previously Presented) The method of claim 11, further comprising:

identifying fact data associated with a third issue;

establishing a new netting rule based at least in part on said fact data and said third issue;

applying said new netting rule to said fact data for said third issue;

generating a netting determination based at least in part on said application of said netting rule and said new netting rule.

13. (Previously Presented) The method of claim 10, further comprising:

calculating a new netting position between said contracting entity and said counterparty based on said netting agreement and a prior netting position.

14. (Original) The method of claim 13, further comprising:

updating a credit database based on said new netting position.

15. (Original) The method of claim 13, further comprising:

updating a FASB database based on said new netting position.

16. (Canceled)

17. (Currently Amended) An apparatus for performing netting analysis of counterparty netting agreements, comprising:

a processor;

a communications device in communication with said processor, receiving counterparty agreement data; and

a memory unit in communication with said processor and storing a program, wherein the processor is operative with said program to

identifying, from said counterparty netting agreement data, a party, a counterparty to said counterparty netting agreement, and facts governing said counterparty netting agreement, the facts of said counterparty netting agreement including: a form of agreement, a governing law, a country of organization, a state or province of organization, a legal structure, and a parent company country of organization;

receiving at least one issue associated with said agreement, the at least one issue based on an existence or non-existence of particular facts in the facts governing said netting agreement;

comparing, using a processor, said facts governing said netting counterparty netting agreement data with a netting rule that applies to said counterparty netting agreement for said at least one issue; and

generating a netting determination for said counterparty netting agreement based at least in part on a result of said comparing and indicative of an ability of the party and counterparty to net under said counterparty netting agreement, the netting determination having an indication of a level of confidence associated with the netting determination that indicates an enforceability of the netting determination in addition to a qualification of the netting determination.

18. (Currently Amended) A medium having computer-executable instructions stored thereon for performing a netting analysis of a netting agreement, the medium comprising:

instructions for identifying fact data associated with said netting agreement, said fact data including data identifying a contracting entity and data identifying a counterparty;

instructions for identifying a default set of issues associated with said netting agreement, said default set of issues based on an existence or non-existence of particular facts governing said netting agreement;

instructions for identifying facts in said fact data associated with said netting agreement and associated with a first issue from said default set of issues, said facts including: a form of agreement, a governing law, a country of organization, a state or province of organization, a legal structure, a parent company country of organization, and a parent company legal structure;

instructions for applying a netting rule to said fact data for said first issue, said netting rule selected based at least in part on said first issue; and

instructions for generating a netting determination based at least in part on said application of said netting rule and indicative of an ability of the party and counterparty to net under said netting agreement, the netting determination having an indication of a level of confidence associated with the netting determination that indicates an enforceability of the netting determination in addition to a qualification of the netting determination.

19. (Cancel)